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STATE OF MAINE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

June 4, 2009

Malory Shaughnessy, Chair
State Sentencing and Corrections Practices Coordinating Council
c/o Kelene Barrows
111 State House Station
Augusta, ME 04333

John Pelletier, Chair
Criminal Law Advisory Commission
c/o Brenda Williams
8 State House Station
Augusta, Me 04333

Dear Chairs Shaughnessy and Pelletier:

In the Criminal Justice and Public Safety Committee's discussion of LD 1275, "An Act to Implement the Recommendations of the Criminal Law Advisory Commission," the issue of whether to amend the scope of the sentencing alternative of deferred disposition was considered but not adopted. The bill proposed to broaden eligibility for a deferred disposition both by adding Class B crimes and by including a person who has pled nolo contendere to a qualifying class crime. Although certain amendments to the deferred disposition statute were adopted, these substantive changes were not.

The committee is both aware and supportive of the need to consider and implement more sentencing alternatives. However, the committee is also cognizant of the fact that much discussion and work went into adopting the existing deferred disposition statute as part of a larger revision of the sentencing laws. Perhaps new changes to deferred disposition and other sentencing alternatives are warranted, but the committee believes that it is important to have both

the State Sentencing and Corrections Practices Coordinating Council and the Criminal Law Advisory Commission, who are tasked with the review of sentencing laws and practices, coordinate and take a closer look at this issue before statutory changes are enacted.

We ask that you please review this issue and report back to us your recommendations by January 2010. Thank you for your work, and we look forward to hearing from you at the beginning of the 2nd Regular Session of the 124th Legislature. Please feel free to contact us or our legislative analyst, Marion Hylan Barr, if you have any questions.



Stan Gerzofsky
Senate Chair

Sincerely,



Anne Haskell
House Chair

cc: Members, Joint Standing Committee on Criminal Justice and Public Safety